

Stipulations 2013

Humane Borders, Inc.

Permit Number AZA 32153

1. This permit only authorizes the use of federal lands administered by the Bureau of Land Management (BLM), Tucson Field Office (TFO), at 3 locations within or adjacent to the Ironwood Forest National Monument. It does not authorize the use of private lands, or lands owned or managed by other federal, state, tribal or local governmental agencies where BLM has no authority to issue such authorization.
2. Humane Borders must maintain a minimum of \$2,000,000.00 (two million dollars) per occurrence worth of general liability insurance coverage, in a policy form acceptable to the Authorized Officer, for property damage, personal injury and comprehensive public liability resulting from action taken or caused by Humane Borders under this permit. The United States shall be named as an additional insured on the Certificate of Insurance. Humane Borders must furnish proof of insurance to the Authorized Officer in the form of a Certificate of Insurance prior to execution of the permit. Humane Borders must maintain the required insurance coverage for the life of the permit.
3. The seasonal period of use under the Land Use Permit is to be from May 1, 2013 to September 30, 2013 and May 1, 2014 to September 30, 2014. Under extenuating circumstances (such as prolonged drought or high temperatures), Humane Borders may apply to the Authorized Officer 30 days in advance to extend this time period. Water tanks must be drained within 24 hours of the end of the period use.
4. Humane Borders is responsible for the training, monitoring, safety and security of its individual employees and volunteers including notifications about approaching individuals on BLM-administered lands, biohazards or other safety precautions, off-road driving conditions, etc.
5. Any cultural and/or paleontological resources (historic or prehistoric site or object) discovered by the permittee, or any person working on its behalf, on BLM-administered land must be immediately reported to the Authorized Officer. Humane Borders shall suspend all operations in the immediate area of such discovery until written authorization to proceed is issued by the Authorized Officer. An evaluation of the discovery will be made by the Authorized Officer to determine appropriate actions to prevent the loss of significant cultural or scientific values. Humane Borders will be responsible for the cost of evaluation, and the Authorized Officer will make any decision as to proper mitigation measures after consulting with the permittee.
6. While on BLM-administered lands, Humane Borders will notify Tucson BLM Law Enforcement within two hours of any encounters with the U.S. Border Patrol or calls to emergency medical service providers (e.g., Pima County Emergency Services, etc.); any transportation of individuals for medical assistance; and any discovery of deceased persons or human remains. Upon receipt of any information under this paragraph, BLM Law Enforcement will make all appropriate and necessary additional notifications to the U.S. Border Patrol and other responsible governmental agencies.

Initial: DB

7. No commercial filming or photography is permitted. Humane Borders may not issue any news releases concerning the water stations without the express approval of the Authorized Officer. The BLM requires notification of any media coverage that Humane Borders becomes aware of which discusses or mentions the permitted water stations. Any photographs taken by Humane Borders must only be used for internal record keeping or internal training.
8. At each water station location, no vegetation will be trimmed, cleared or removed; no holes or pits will be excavated for footings, wildlife will not be harassed or harmed; and trash or debris, for which Humane Borders is responsible, will be removed. Trash and refuse collected by Humane Borders will be removed from the site to appropriate dumpsters or refuse sites.
9. The installation of water stations will be coordinated with BLM staff at the Tucson Field Office to ensure avoidance of sensitive areas and conformance with BLM regulations, policies, and planning. Arrangements with the BLM staff shall be made no less than 48 hours in advance of proposed installation activities.
10. Humane Borders will maintain no more than two 60-gallon tanks at each water station without further approval of the Authorized Officer. Humane Borders will provide GPS coordinates from each water station to the Tucson Field Office, Pima County Sheriff's Office, and the Tucson Sector for the U.S. Border Patrol.
11. For the water station locations approved, Humane Borders will provide service and field inspections every 72 hours to ensure compliance with the following standards: No tanks are empty over a 72-hour period; water quality standards are tested and maintained equivalent to all applicable federal, state, and local governmental water quality standards; tanks will be sealed and tamper proof and replaced immediately if needed due to tampering, punctures or similar flaws. The tanks authorized by this permit will not exceed 60 gallons each without prior approval of the Authorized Officer. A schedule of planned maintenance and servicing will be provided to the BLM.
12. BLM may immediately cancel the permit if tampering or sabotage occurs to one or more water stations. The Tucson Field Office will cancel the permit if so directed by the Arizona State Office or the Washington Office, BLM based on new policies, regulations, or advice of the Solicitor.
13. The permit may not be transferred or assigned without written consent of the Authorized Officer.
14. Humane Borders will comply with all applicable federal, state, and local governmental public health and sanitation standards and codes.

Initial: DB

15. Installation of water stations without prior written authorization from the Authorized Officer is not allowed and may be considered a trespass against the United States.
16. All flags, flagpoles, rebar, and water tanks shall be removed within 30 days after expiration of this permit, cancellation of the permit by BLM, or return of the permit by Humane Borders prior to expiration of the term. The Authorized Officer shall be notified upon completion of removal activities.
17. No cross-country vehicle access is authorized outside of the designated sites, as identified in this permit. All approved sites (see attached map) are located within or adjacent to the Ironwood Forest National Monument, and are under the jurisdiction of the Tucson Field Office. All water station sites shall be accessed via existing routes of travel only. In these areas, vehicles may pull off of existing roads no more than 10 feet from the edge of the roadbed. Water stations outside of this 10-foot zone shall be installed and maintained by foot travel.
18. The Authorized Officer may suspend or terminate this permit in whole or in part when, in his or her judgment, unforeseen conditions and/or circumstances arise which result in the approved terms and conditions being inadequate to protect the public health, safety and welfare, or to protect the environment.
19. As permittee of AZA 32153, Humane Borders agrees, without limitation or restriction, to indemnify the United States against any liability arising from the release of any hazardous substance or hazardous waste (as these terms are defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980, 42 U.S.C., 9601 et seq., or the Resource Conservation and Recovery Act of 1976, 42 U.S.C. 6091 et seq., on BLM-administered lands subject to this permit. This agreement applies without limitation to whether a release is caused by the permittee, its agent, or unrelated third parties.
20. Approval of this permit is not to be construed as approval or authorization of any action by the permittee, or its officers, agents or employees, to violate any federal laws or regulations, including U.S. Immigration and Naturalization laws.

Initial: DB